

Minutes July 26, 2021 Egremont Bylaw Review Committee

In Attendance:

Mary McGurn (MM), Chair

Richard Allen (RA)

Steve Goodman (SG)

Richard Slutzky (RS)

The meeting via Zoom was called to order by the Chairwoman at 4:06 pm; members were introduced.

Announcement: Committee member Chet Delaney has resigned. His resignation was accepted with deep regret.

Minutes from the July 12, 2021 meeting were approved.

Bylaw 5, Town Finances

RA reviewed the transportation revolving fund issues. The ATM warrant article did not expressly amend the current bylaw to add transportation to the Town's revolving funds. MM will request clarification of the details of the transportation revolving fund be added to the Select Board's agenda for August 4, 2021..

Swimming pool inspection research

RA presented his research that the Town is not liable, real or personal, for failure to inspect. RA cited statute Chapter 258, Section 10. This can be found on the MIAA website under MIAA risk management municipal defense summary. To the extent there is a hole in any litigation defense costs, the municipal insurance will cover it.

Bylaw 12.2: The Committee approved the following proposed redraft of Section 12.2 as follows:

12.2 Swimming Pools

12.2.1 "Swimming Pool" is defined as any structure intended for swimming or recreational bathing that contains water over 24" deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

12.2.2 All Swimming Pools are required to have a Swimming Pool permit issued by the Egremont Building Inspector.

12.2.3 All Swimming Pools shall comply with the relevant provisions of the Massachusetts Building Code and Massachusetts Sanitary Code.

12.2.4 In addition to all other requirements of Section 12.2, each Swimming Pool shall meet the following requirements:

12.2.4.1 There shall be installed and maintained at each Swimming Pool a fence around its perimeter at a location and of a height, design, and materials approved by the Building Inspector or a swimming pool cover so approved by the Building Inspector.

12.2.4.2 There shall be no permanent attached access to any above ground Swimming Pool. All detachable ladders and/or platforms must be removed when the Swimming Pool is not in use.

12.2.4.3 The Egremont Building Inspector shall enforce compliance with this Bylaw. If the Inspector discovers that a swimming pool is not in compliance, the inspector shall promptly notify the pool's owner of the non-compliance. The owner must promptly take all necessary steps to prevent access to the pool or use of it until it is in compliance with this Section 12.2.4 in the judgment of the Inspector. If the owner does not promptly prevent access to the non-compliant pool or has not remedied the non-compliance by the seventh calendar day following the Inspector's notification of non-compliance, a fine of \$50 per day shall be imposed upon the owner until the pool is either brought into compliance with this Bylaw or is filled in or removed.

Bylaw 14

The Committee agreed to change the name of the Bylaw to Animal Control.

The Committee agreed to consider the following language proposed by SG for Bylaw 14.1 at the next meeting:

Every dog six months old or older kept in the Town shall be duly registered, numbered, described and licensed. Every person who becomes owner or keeper of such a dog shall, within 30 days of it becoming 6 months old or 30 days of becoming its owner or keeper, whichever shall last occur, shall either present evidence to the Town Clerk that a license for the dog has been issued by another municipality valid until the next March 31 or apply for a license for said animal valid from the date of issuance until the next March 31. If such a dog will be kept in the Town after the next March 31, the owner or keeper shall obtain or renew a license for the dog from the Town, and that license shall be valid for the period from April 1 of that year to March 31 of the following year. The Town Clerk may provide up to a 3-year license when proof of a 3-year rabies vaccine is submitted. An owner or keeper's failure to license a dog shall be subject to a fine of \$50.00 in addition to the licensing fee.

The Committee agreed to include in the proposed redraft an exemption for dog licensing for blind and deaf residents where there exists certification of a service dog. The Committee agreed in principal to include the following proposed language:

"No fee shall be charged for a license for a dog specifically trained to lead or serve a blind or deaf person, provided that the Massachusetts Commission for the Deaf and Hard of Hearing or the Massachusetts Commission for the Blind certifies that such dog is so trained and actually in the service of a blind or deaf person."

The meeting adjourned at 6:00pm.
Respectfully submitted,
Richard Slutzky